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Anwar et al v. Fairfield Greenwich Limited et al Doc. 283

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANWAR, *et al.*, Plaintiffs, vs. FAIRFIELD GREENWICH LIMITED, *et al.*, Defendants.	MASTER FILE 09 Civ. 0118 (VM)(THK)
FAIRFIELD SENTRY LIMITED (*In Liquidation*), *by its Liquidators, Kenneth M. Krys and Christopher D. Stride,* Plaintiff, vs. FAIRFIELD GREENWICH LIMITED, *et al.*, Defendants.	09 Civ. 5650 (VM)(THK) **STIPULATION AND ORDER**

WHEREAS, Fairfield Sentry Limited ("Fairfield Sentry") initiated the action captioned *Fairfield Sentry Limited v. Fairfield Greenwich Group, et al.* in the Supreme Court of the State of New York on or about May 29, 2009 (the "Action");

WHEREAS, Defendant Fairfield Greenwich Advisors, LLC ("FGA") removed the Action on or about June 19, 2009 to the United States District Court for the Southern District of New York;

WHEREAS the Action was consolidated by order dated June 25, 2009 with the above-captioned *Anwar* action for all purposes;

WHEREAS, on July 10, 2009, Fairfield Sentry moved to remand the Action and to vacate the consolidation order (the "Motion to Remand");

WHEREAS, on July 27, 2009, FGA served and filed papers in opposition to the Motion to Remand;

WHEREAS, on August 18, 2009, the date for Fairfield Sentry to serve and file reply papers in further support of the Motion to Remand (the "Reply Papers") was extended from August 21, 2009 to September 25, 2009;

WHEREAS, on September 21, 2009, Kenneth M. Krys and Christopher D. Stride, appointed by the High Court of the British Virgin Islands (the "High Court") as liquidators of and for Fairfield Sentry Limited (the "Liquidators"), requested a pre-motion conference before the Honorable Victor Marrero in anticipation of moving for an order pursuant to Fed. R. Civ. P. 25(c) substituting Fairfield Sentry Limited (in Liquidation), by its Liquidators for plaintiff Fairfield Sentry Limited (the "Substitution Motion");

WHEREAS, in light of the pendency of the Substitution Motion, on or about September 24, 2009, Fairfield Sentry sought, with the consent of FGA, an extension of the date to serve and file the Reply Papers to and including October 16, 2009 (the "October 16, 2009 Extension");

WHEREAS, the Liquidators' substitution application was referred by Judge Marrero to this Court, which suggested that, in lieu of the proposed Substitution Motion, counsel for the Liquidators, Brown Rudnick LLP ("Brown Rudnick") seek the consent of the other parties in the Action to Brown Rudnick's substitution for Seward & Kissel LLP, counsel of record for Fairfield Sentry, and an amendment of the Action's caption to reflect the Liquidators' appearance on behalf of Fairfield Sentry (the "Substitution Application");

WHEREAS, on October 14, 2009, this Court granted the Substitution Application and the October 16, 2009 Extension;

WHEREAS, Fairfield Sentry (in Liquidation), through its Liquidators, having appeared in the Action two days before the current date for serving and filing the Reply Papers, seeks an extension of the date to serve and file the Reply Papers in order to obtain approval from the High Court to take further action as is necessary with respect to the Action, and FGA does not object to such an extension;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, that the time for Fairfield Sentry (in Liquidation), through its Liquidators to serve and file reply papers in further support of the Motion to Remand is extended to and including November 6, 2009.

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Attorneys for Defendant Fairfield Greenwich Advisors, LLC

SO ORDERED: 10/16/09

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Theodore H. Katz, U.S.M.J.